

**USDA, Natural Resources Conservation Service  
Request for Proposals  
For the  
Environmental Quality Incentives Program  
Financial Assistance to Treat Natural Resource Concerns on Tribal Lands**

Effective March 12, 2009, the Utah Natural Resources Conservation Service (NRCS) announces the availability of Environmental Quality Incentives Program (EQIP) financial assistance in the amount of \$350,000 for Indian Tribes, as defined herein.

Selection of the proposal(s) will be based on the criteria as set forth in this notice. The recipient(s) selected for program funding will be notified by May 15, 2009.

**Submitting Proposals**

**1. Letters of Intent:** Must be received in the NRCS Utah State Office by **4:00 p.m. on Tuesday, April 1, 2009**. Indicate the estimated amount of EQIP funds to be requested, general description of the natural resource concerns, the conservation practices to be implemented, and the anticipated number of producer contracts. The letter of intent must be signed by a tribal official with the authority to commit tribal funds and resources.

**2. Written Proposals:** Must be received in the NRCS Utah State Office **NO LATER THAN 4:00 p.m. on Friday, May 1, 2009**. See proposal outline, below.

**Submit Letters of Intent and Proposals to:**

Lisa Coverdale, Assistant State Conservationist – Programs  
USDA-Natural Resources Conservation Service  
125 South State Street – Room 4402  
Salt Lake City, UT 84138-1100

Letters of Intent and Proposals may also be submitted electronically to the following email address:  
[lisa.coverdale@ut.usda.gov](mailto:lisa.coverdale@ut.usda.gov)

**Program Purpose, Priorities, Eligibility and Payment Rates**

**1. Purpose**

The purposes of the Environmental Quality Incentives Program (EQIP) are to promote agricultural production, forest management, and environmental quality as compatible goals, and to optimize environmental benefits. Through EQIP, the Natural Resources Conservation Service (NRCS) provides assistance to eligible farmers and ranchers to address soil, water, and air quality, wildlife habitat, surface and groundwater conservation, energy conservation, and related natural resource concerns. EQIP's financial and technical assistance helps producers comply with environmental regulations and enhance agricultural and forested lands in a cost effective and environmentally beneficial manner. The purposes of the program are achieved by planning and implementing conservation practices on eligible land.

## 2. National Priorities

The following national priorities, consistent with statutory resource concerns including soil, water, wildlife, air quality, and related resource concerns, will be used in EQIP implementation:

- Reductions of nonpoint source pollution, such as nutrients, sediment, pesticides, or excess salinity in impaired watersheds consistent with total maximum daily loads (TMDLs) where available; the reduction of surface and groundwater contamination; and the reduction of contamination from agricultural point sources, such as concentrated animal feeding operations;
- Conservation of ground and surface water resources;
- Reduction of emissions, such as particulate matter, nitrogen oxides, volatile organic compounds, and ozone precursors and depleters that contribute to air quality impairment violations of National Ambient Air Quality Standards;
- Reduction in soil erosion and sedimentation from unacceptable levels on agricultural land; and
- Promotion of at-risk species habitat conservation.

## 3. Eligibility Requirements

1. Applicant(s) must be an Indian Tribe, as defined herein, with eligible land holdings in Utah.
2. Eligible land includes agricultural land and nonindustrial private forest land, and other land on which agricultural products, livestock, or forest-related products are produced and resource concerns may be addressed. Other agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for production of livestock.
3. Participants must satisfy all EQIP eligibility requirements as stipulated in the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) including but not limited to:
  - Having control of the land for the term of the proposed contract period (land administered by the Bureau of Indian Affairs (BIA), Indian land, or other such circumstances may provide sufficient assurance of control);
  - Supply information, as required by NRCS, to determine eligibility for the program, including but not limited to, information to verify the applicant's status as a limited resource, beginning farmer or rancher, and payment eligibility; and
  - Provide a list of all members of the legal entity and embedded entities along with members' tax identification numbers or another unique identification number for each individual eligible for payment and percentage of interest in the entity.

- The Commodity Credit Corporation, USDA, 7 CFR 1400.4 exempts Indian Tribes from AGI payment eligibility determinations and program payment limitations. The payment eligibility and payment limitation requirements remain applicable to individual American Indians or Alaska Natives receiving program payments.

#### **4. Payment Rates**

The 2008 Farm Bill authorizes NRCS to increase payments for socially disadvantaged farmers or ranchers in addition to beginning and limited resource producers – up to 90 percent. The recipient is responsible for the remaining 10% of the project costs. Recipients may receive in advance up to 30 percent of the amount needed for purchasing materials or contracting.

#### **Proposal Outline**

Written proposals should adhere to the following outline:

##### **1. Project Background and Summary**

##### **2. Description and extent of existing resource concern**

*Example: Of the 200,000 acre of irrigated lands in (XYZ) tribe, 40% are surface irrigated, 60% are sprinkler irrigated. Irrigated erosion is a concern on 20% of the surface irrigated lands. Or,...of the 200,000 acres of rangeland 35% is in poor condition.*

##### **3. Proposed treatment of resource concern(s)**

##### **4. Proposed distribution of funds. Please include:**

- Amount of funds requested.
- Number of eligible producers that will receive assistance.
- Length of contracts (minimum 2 years, maximum 10 years).
- Description of structural and/or management conservation practices to be implemented.
- Number of acres to be treated.

**5. Assurance** that any existing EQIP contracts are active, in compliance, and that contracted conservation practices are being installed according to schedule.

**6. Assurance** that no individual or legal entity shall exceed the \$300,000 aggregate payment limitation during 2009 – 2014.

**7. Maps, other attachments as appropriate.**

#### **Ranking Consideration**

NRCS will assess the merits of each proposal, using the following criteria:

1. Priority will be placed on proposals that treat resource problems, as identified in Section II of the proposal, in the most cost effective manner.
2. Priority will be placed on projects that will be completed within 1 year of contract obligation (when the contract is signed).

### **Method of Allocation**

1. All applicants will receive written notification of the decision made by the State Conservationist no later than May 15, 2009.
2. Successful Tribal applicants will instruct individual applicants to meet with their respective District Conservationists, to initiate contract development.
3. Funds will be obligated upon completion of the contract, approval of the contract by NRCS, and acceptance of the contract by the participant, as indicated by signature on the CCC-1200/Appendix.

### **Definitions**

For the purpose of this notice, the following definitions apply:

*Agricultural land* means cropland, grassland, rangeland, pasture, and other agricultural land, on which agricultural and forest-related products, or livestock are produced and resource concerns may be addressed. Other agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for production of livestock.

*Agricultural operation* means a parcel or parcels of land whether contiguous or noncontiguous, which the producer is listed as the operator or owner/operator in the Farm Service Agency (FSA) record system, which is under the effective control of the producer at the time the producer applies for a contract, and which is operated by the producer with equipment, labor, management, and production, forestry, or cultivation practices that are substantially separate from other operations.

*Applicant* means a person, legal entity, joint operation, or tribe that has an interest in an agricultural operation, who has requested in writing to participate in EQIP.

*Beginning Farmer or Rancher* means a person or legal entity who: (1) Has not operated a farm or ranch, or who has operated a farm or ranch for not more than 10 consecutive years. This requirement applies to all members of an entity, who will materially and substantially participate in the operation of the farm or ranch. (2) In the case of a contract with an individual, individually or with the immediate family, material and substantial participation requires that the individual provide substantial day-to-day labor and management of the farm or ranch, consistent with the practices in the county or State where the farm is located. (3) In the case of a contract with an entity or joint operation, all members must materially and substantially participate in the operation of the farm or ranch. Material and substantial participation requires that each of the members provide some

amount of the management, or labor and management necessary for day-to-day activities, such that if each of the members did not provide these inputs, operation of the farm or ranch would be seriously impaired.

*Contract* means a legal document that specifies the rights and obligations of any participant accepted into the program. An EQIP contract is a binding agreement for the transfer of assistance from USDA to the participant to share in the costs of applying conservation practices.

*Field office technical guide (FOTG)* means the official local NRCS source of resource information and interpretations of guidelines, criteria, and requirements for planning and applying conservation practices and conservation management systems. It contains detailed information on the conservation of soil, water, air, plant, and animal resources applicable to the local area for which it is prepared.

*Indian land* means: (1) Land held in trust by the United States for individual Indians or Indian tribes; or (2) Land, the title to which is held by individual Indians or Indian Tribes subject to Federal restrictions against alienation or encumbrance; or (3) Land which is subject to rights of use, occupancy and/or benefit of certain Indian Tribes; or (4) Land held in fee title by an Indian, Indian family or Indian Tribe.

*Indian Tribe* means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

*Joint operation* means a general partnership, joint venture, or other similar business organization in which the members are jointly and severally liable for the obligations of the organization.

*Legal entity* means an entity created under Federal or State law that: (1) Owns land or an agricultural commodity, product, or livestock; or (2) Produces an agricultural commodity, product, or livestock.

*Limited Resource Farmer or Rancher* means: (1) A person with direct or indirect gross farm sales not more than \$155,200 in each of the previous two years (adjusted for inflation using Prices Paid by Farmer Index as compiled by National Agricultural Statistical Service), and (2) Has a total household income at or below the national poverty level for a family of four, or less than 50 percent of county median household income in each of the previous two years (to be determined annually using Commerce Department Data).

*Natural Resources Conservation Service* is an agency of the USDA, which has responsibility for administering EQIP using the funds, facilities, and authorities of the CCC.

*Nonindustrial private forest land* means rural land, as determined by the Secretary, that has existing tree cover or is suitable for growing trees; and is owned by any nonindustrial private individual, group, association, corporation, Indian Tribe, or other private legal entity that has definitive decision-making authority over the land.

*Participant* means a person, legal entity, joint operation, or tribe that is receiving payment or is responsible for implementing the terms and conditions of an EQIP contract.

*Payment* means financial assistance provided to the participant based on the estimated costs incurred in performing or implementing conservation practices, including costs for: planning, design, materials, equipment, installation, labor, maintenance, management, or training, as well as the estimated income foregone by the producer for designated conservation practices.

*Socially disadvantaged farmer or rancher* means a farmer or rancher who has been subjected to racial or ethnic prejudices because of their identity as a member of a group without regard to their individual qualities.

*State Conservationist* means the NRCS employee authorized to implement EQIP and direct and supervise NRCS activities in a State.

### **Additional Information**

<http://www.ut.nrcs.usda.gov/programs/EQIP/index.html>

<http://www.nrcs.usda.gov/programs/eqip/>

Contact:

Lisa Coverdale, Assistant State Conservationist-Programs

USDA-NRCS

125 South State Street

Salt Lake City, UT 84138-1100

801-524-4565